

1 Vanessa R. Waldref
2 United States Attorney
3 Eastern District of Washington
4 Alison L. Gregoire
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, Washington 99210-1494
8 (509) 353-2767

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 08, 2022

SEAN F. MCAVOY, CLERK

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

Case No. 2: 20-CR-00146-WFN

12 Plaintiff,

Global Plea Agreement

13 v.

Fed. R. Crim. P. 11(c)(1)(C)

14 JAIDEN GYVAN PETERSEN,

15 Defendant.

16 Plaintiff United States of America, by and through Vanessa R. Waldref, United
17 States Attorney for the Eastern District of Washington, and Alison L. Gregoire,
18 Assistant United States Attorney for the Eastern District of Washington, and the State
19 of Washington by and through Larry H. Haskell, Spokane County Prosecuting
20 Attorney, and Eugene Cruz and Hannah Stearns, Deputy Prosecutors for Spokane
21 County, and Defendant, JAIDEN GYVAN PETERSEN, and Defendant's counsel,
22 Amy H. Rubin, agree to the following Plea Agreement pursuant to Federal Rule of
23 Criminal Procedure 11(c)(1)(C):

24 Introduction

25 Defendant, JAIDEN GYVAN PETERSEN, is presently charged in the Eastern
26 District of Washington by Indictment, filed on October 21, 2020, with Production of
27

1 Child Pornography, in violation 18 U.S.C. § 2251(a), in Counts One and Two, Receipt
2 of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), in Count Three,
3 Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2), in Count
4 Four.

5 Defendant is also charged by the State of Washington, in and for the County of
6 Spokane. Defendant is charged by Information (case number 20-1-02023-32), filed
7 on June 12, 2020, with three counts of Child Molestation in the First Degree, in
8 violation of RCW 9A.44.083.

9 Defendant wishes to resolve all these pending federal and state charges as part
10 of a single, global resolution. The United States Attorney's Office for the Eastern
11 District of Washington and the Spokane County, Washington, Prosecuting Attorney's
12 Office agree to such a resolution, as set forth herein.

13 1. Guilty Pleas and Maximum Statutory Penalties

14 A. Federal Charges:

15 Defendant, JAIDEN GYVAN PETERSEN, agrees to plead guilty to Production
16 of Child Pornography, in violation of 18 U.S.C. § 2251(a), as charged in Counts One
17 and Two, of the Indictment, filed on October 21, 2020.

18 Defendant understands that each count of Production of Child Pornography
19 carries a maximum penalty of not less than fifteen (15) years nor more than thirty (30)
20 years imprisonment, a fine not to exceed \$250,000, a term of supervised release of not
21 less than five (5) years up to life, and a \$100 special penalty assessment. Defendant
22 also understands that these penalties can be ordered to be served consecutively.

23 Pursuant to the Justice for Victims of Trafficking Act of 2015, upon conviction,
24 an additional mandatory special assessment of \$5,000 per count must also be imposed
25 unless the sentencing court finds Defendant to be indigent, and an additional special
26 penalty assessment of no more than \$50,000, per count, may be imposed pursuant to

1 the Amy, Vicky and Andy Child Pornography Victim Assistance Act of 2018, 18
2 U.S.C. § 2259A.

3 Defendant understands that a violation of a condition of supervised release
4 carries an additional penalty of re-imprisonment for all or part of the term of
5 supervised release without credit for time previously served on post-release
6 supervision.

7 B. Washington State Charges:

8 Defendant, JAIDEN GYVAN PETERSEN, also agrees to plead guilty in the
9 Superior Court of the State of Washington in and for the County of Spokane, to
10 Counts One through Three of the Information filed, in case number 20-1-02023-32,
11 filed on June 12, 2020, alleging Child Molestation in the First Degree, in violation of
12 RCW 9A.44.083. The Washington State charges will be resolved by separate plea
13 agreement, to be filed with the Spokane County, Washington, Superior Court.
14 Pursuant to that agreement, the State of Washington agrees to recommend a 149-
15 month term of imprisonment to run concurrent to the federal sentence.

16 2. The Court is Not a Party to this Plea Agreement

17 The Court is not a party to this Plea Agreement and may accept or reject it.
18 Defendant understands the following: sentencing is a matter solely within the
19 discretion of the Court; the Court is under no obligation to accept any
20 recommendations made by the United States or Defendant; the Court will obtain an
21 independent report and sentencing recommendation from the United States Probation
22 Office; and the Court may exercise its discretion to impose any sentence it deems
23 appropriate, up to the statutory maximum penalties.

24 Defendant acknowledges that no promises of any type have been made to
25 Defendant with respect to the sentence the Court will impose in this matter.

1 Defendant understands that the Court is required to consider the applicable
2 range under the United States Sentencing Guidelines, but may depart upward or
3 downward under certain circumstances.

4 The United States and Defendant agree that this Plea Agreement is entered
5 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and to recommend Defendant be sentenced to
6 a term of not less than fifteen years nor more than twenty years of imprisonment per
7 count in the above captioned federal case for Production of Child Pornography in
8 Counts One and Two, to run concurrently. The United States may withdraw from this
9 Plea Agreement if the Court imposes a total sentence less than fifteen years.
10 Defendant further understands that Defendant will have the option to withdraw from
11 this Plea Agreement if the Court imposes a total sentence greater than twenty years.

12 3. Effect on Immigration Status

13 Defendant understands that pleading guilty may have consequences with
14 respect to Defendant's immigration status if Defendant is not a citizen of the United
15 States. Defendant understands that a broad range of federal crimes may result in
16 Defendant's removal from the United States, including the offense to which
17 Defendant is pleading guilty. Defendant understands that removal and other
18 immigration consequences are the subject of separate proceedings. Defendant
19 understands that while removal from the United States may be a result of Defendant's
20 guilty plea if Defendant is not a citizen of the United States, no one, including
21 Defendant's attorney or the District Court, can predict with absolute certainty the
22 effect of a federal conviction on Defendant's immigration status. Defendant affirms
23 that Defendant is knowingly, intelligently, and voluntarily pleading guilty as set forth
24 in this Plea Agreement, regardless of any immigration consequences that Defendant's
25 guilty plea may entail, even if removal from the United States is a virtual certainty if
26 Defendant is not a United States citizen.

1 4. Waiver of Constitutional Rights

2 Defendant, JAIDEN GYVAN PETERSEN, understands that by entering this
3 plea of guilty, Defendant is knowingly and voluntarily waiving certain constitutional
4 rights, including:

- 5 (a) The right to a jury trial;
6 (b) The right to see, hear and question the witnesses;
7 (c) The right to remain silent at trial;
8 (d) The right to testify at trial; and
9 (e) The right to compel witnesses to testify.

10 While Defendant is waiving certain constitutional rights, Defendant understands
11 Defendant retains the right to be assisted through the sentencing and any direct appeal
12 of the conviction and sentence by an attorney, who will be appointed at no cost if
13 Defendant cannot afford to hire an attorney. Defendant also acknowledges that any
14 pretrial motions currently pending before the Court are waived.

15 5. Elements of the Offenses

16 The United States and Defendant agree that to convict Defendant of Production
17 of Child Pornography (Counts One and Two), in violation of 18 U.S.C. § 2251(a), the
18 United States would have to prove beyond a reasonable doubt the following elements:

- 19 (a) First: At the time of the offenses charged in the Indictment, the
20 minors identified as Minor 2 and Minor 3, were under the age of
21 eighteen;
22 (b) Second: On or about the dates charged in the Indictment, in the
23 Eastern District of Washington, Defendant employed, used,
24 persuaded, induced or enticed each minor victim to take part in sexually
25 explicit conduct for the purpose of producing a visual depiction of
26 such conduct;

- 1 (c) Third: (a) Defendant knew or had reason to know that such visual
2 depiction would be transported using any means or facility of interstate
3 or foreign commerce; or
4 (b) Defendant knew or had reason to know that such visual depiction
5 would be transported in or affecting interstate or foreign commerce; or
6 (c) Such visual depiction was produced using materials that have been
7 mailed or shipped or transported in and affecting interstate or foreign
8 commerce by any means, including by computer; or
9 (d) Such visual depiction was transported using any means and
10 facility of interstate and foreign commerce; or
11 (e) Such visual depiction was transported in and affecting interstate and
12 foreign commerce.

13 6. Factual Basis and Statement of Facts:

14 The United States and Defendant stipulate and agree that the following facts are
15 accurate; that the United States could prove these facts beyond a reasonable doubt at
16 trial; and that these facts constitute an adequate factual basis for JAIDEN GYVAN
17 PETERSEN'S guilty plea. This statement of facts does not preclude either party from
18 presenting and arguing, for sentencing purposes, additional facts which are relevant to
19 the sentencing guideline computations or sentencing, unless otherwise prohibited by
20 this agreement.

21 FBI received a CyberTip from Snapchat indicating child pornography had
22 traveled across their servers pertaining to a specific IP address in Eastern Washington.
23 The Snapchat account residential logins were traced, via IP address, to a specific
24 address on Cherry, in Spokane Valley, Washington. The user of the account was
25 subsequently identified as JAIDEN GYVAN PETERSEN. When the FBI received
26 and executed the search warrant at Cherry, they found the home was that of Jaiden
27

1 PETERSEN'S brother. The brother explained the SnapChat user was Jaiden
2 PETERSEN who had been living there, but Jaiden PETERSEN had moved in a few
3 months prior with their other brother who resided on Glass Avenue in Spokane.

4 A search warrant was subsequently obtained for the Glass Avenue address
5 where agents found a PlayStation, used girls' underwear (ranging from 28-pound size
6 to 83-pound size), a thumb drive and a cell phone. Living at the house were Jaiden
7 PETERSEN, his brother, and his partner as well as their children to include their
8 Minor 1, whom Jaiden PETERSEN had babysat.

9 Jaiden PETERSEN was interviewed at the time of the search warrant. When he
10 was originally approached, he was told not to touch his phone, and he immediately
11 grabbed it and turned it off. He was then handcuffed. He was taken to an FBI
12 vehicle, unhandcuffed and Mirandized.

13 Jaiden PETERSEN admitted the subject account was his noting his Snapchat ID
14 was petersenjaiden and his e-mail was jgpetersen00@gmail.com, both of which were
15 listed in the CyberTip. Jaiden said he got his child pornography from internet Google
16 searches. He stated he started viewing underage sexual images at about age 12 and
17 continued to the present. PETERSEN had the known child pornography series
18 "Ukrainian Angels." He had downloaded child sex images at his mother's address on
19 Nora, his brother's address at Cherry and his current brother's residence on Glass.
20 PETERSEN stated images of his 17 year old girlfriend would be found on the devices.

21 All of PETERSEN's devices were reviewed forensically. The FBI found at
22 total of over 1,000 child pornography images and 10 child pornography videos
23 pursuant to the review. Of note, three images were of a local production victim
24 (victim of a separate defendant) that were traded directly with PETERSEN. Other
25 images included urination and child bondage.

1 Minor 2

2 Defendant's then underage girlfriend, Minor 2 (born January 1999), was located
3 and interviewed by the FBI. She explained she communicated with Jaiden
4 PETERSEN over Facebook Messenger and Snapchat, since she was 14 years old and
5 that he knew her true age. Minor 2 described her relationship with PETERSEN as not
6 dating, but involving sex and the sending, at his request, of sexual images of herself.
7 The images included breasts, nudes, genitals, and masturbation, which were sent over
8 Snapchat. From ages 14 to 17 she created sexual images of herself, each time at
9 PETERSEN's request. She estimated sending 65 or more pictures of herself (meeting
10 the federal definition of child pornography) to PETERSEN. She sent, on average, two
11 images or videos per week.

12 Minor 3

13 PETERSEN's Google account (associated with his e-mail) was searched and
14 several potential victims emerged from his "Google Photos," one of which was Minor
15 3 (born December 2005).

16 Minor 3 was interviewed and stated she had met PETERSEN on Xbox live.
17 Minor 3 identified several photos of herself that she had sent PETERSEN via
18 Snapchat. She detailed where the photos were taken, that she was depicted in the
19 photos, and that the photos were taken at Defendant's request. The dates available for
20 the photos show they were produced between September and October 2019, when
21 Minor 3 was 13 years old. The photos included masturbation and lascivious
22 exhibition of the genitals.

23 PETERSEN knew Minor 3's age and minor status. He told her he was more
24 than 7 years older than her and he could get in trouble for talking to her. Jaiden
25 PETERSEN stated he was "20 something" and Minor 3 told him her true age at the
26 time, 13. He knew she was in Spokane and attending middle school because he
27

commented that he had gone to the same middle school. He asked to meet her but Minor 3 refused. PETERSEN told her about the sexual interest he had in his younger "cousin," and explained how he had touched his penis to her lips (Minor 1).

PETERSEN sent penis images and masturbation videos to Minor 3 over Snapchat. Minor 3 saw a poster of females sitting down showing their backsides on the wall behind PETERSEN in the images. This same poster can be seen in search warrant photos on the wall by PETERSEN'S computer and in his room.

PETERSEN sent child pornography to Minor 3 through Snapchat three times. One looked like a seven-year-old "doing stuff." He said he liked it. One time he sent an image of his cousin (later determined to be Minor 1). She was sleeping and he lifted her blanket exposing her "private parts."

SA McEuen located 416 images of Minor 3 in PETERSEN's digital accounts, approximately 200 of which would qualify as child pornography.

7. The United States' Agreements

At the time of sentencing, the United States agrees to move to dismiss Counts Three and Four of the Indictment, which charge Defendant Receipt of Child Pornography, in violation of 18 U.S.C. 2252A(a)(2), and Distribution of Child Pornography, in violation of 18 U.S.C. 2252A(a)(2), respectively.

The United States Attorney's Office for the Eastern District of Washington agrees not to bring any additional charges against Defendant based upon information in its possession at the time of this Plea Agreement unless Defendant breaches this Plea Agreement any time before or after sentencing.

8. United States Sentencing Guideline Calculations

Defendant understands and acknowledges that the United States Sentencing Guidelines (hereinafter "U.S.S.G.") are applicable to this case and that the Court will determine Defendant's applicable sentencing guideline range at the time of

1 sentencing.

2 a. Base Offense Level

3 The United States and Defendant agree that the base offense level for
4 Production of Child Pornography is 32. U.S.S.G. §2G2.1(a).

5 b. Special Offense Characteristics

6 Defendant and the United States agree and stipulate that the following specific
7 offense characteristics are applicable to Minor 2 and Minor 3:

8 The offense level will be increased by two (2) levels because the minor victims
9 had not attained the age of 16 years. U.S.S.G. §2G2.1(b)(1)(B).

10 The offense level will be increased two (2) levels because the offense involved
11 the commission of sexual contact or a sexual act. U.S.S.G. §2G2.1(b)(2)(A).

12 The offense level will be increased two (2) levels because the offense involved
13 distribution to the Defendant and the Defendant distributed images. *See* U.S.S.G.
14 §2G2.1(b)(3).

15 The offense will be increased by two (2) levels because of the use of a
16 computer. U.S.S.G. §2G2.1(b)(6).

17 i. Multiple Count Analysis

18 The United States and Defendant agree and stipulate that the counts of
19 conviction do not group.

20 ii. Repeat and Dangerous Sex Offender Against Minors

21 Defendant stipulates and agrees Counts One and Two are covered sex crimes
22 and that he engaged in a pattern of activity involving prohibited sexual conduct,
23 thereby increasing the offense level by five (5) levels. U.S.S.G. § 4B1.5(b)(1).

24 c. Acceptance of Responsibility

25 If Defendant pleads guilty and demonstrates a recognition and affirmative
26 acceptance of personal responsibility for the criminal conduct; provides complete and
27

1 accurate information during the sentencing process; does not commit any obstructive
2 conduct; and accepts this Plea Agreement; the United States will move for a three (3)
3 level downward adjustment in the offense level for Defendant's timely acceptance of
4 responsibility, pursuant to U.S.S.G. § 3E1.1(a) and (b).

5 Defendant and the United States agree that the United States may at its option
6 and upon written notice to Defendant, not recommend a three (3) level downward
7 adjustment for acceptance of responsibility if, prior to the imposition of sentence,
8 Defendant is charged or convicted of any criminal offense whatsoever or if Defendant
9 tests positive for any controlled substance.

10 d. No Other Agreements

11 The United States and Defendant have no other agreements regarding the
12 Guidelines or the application of any Guidelines enhancements, departures, or
13 variances. Defendant understands and acknowledges that the United States is free to
14 make any sentencing arguments it sees fit, including arguments arising from
15 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed
16 pursuant to this Agreement, and Defendant's relevant conduct.

17 e. Criminal History

18 The United States and Defendant understand that Defendant's criminal history
19 computation is tentative and that ultimately Defendant's criminal history category will
20 be determined by the Court after review of the Presentence Investigation Report. The
21 United States and Defendant have made no agreement and make no representations as
22 to the criminal history category, which shall be determined after the Presentence
23 Investigation Report is completed.

24 9. Incarceration

25 The United States and Defendant agree that this Plea Agreement is entered
26 pursuant to Fed. R. Crim. P. 11(c)(1)(C) and to recommend Defendant be sentenced to
27

1 between fifteen (15) and twenty (20) years of imprisonment for each count of
2 Production of Child Pornography, pursuant to Counts One and Two of the Indictment,
3 to run concurrently, and to be followed by a lifetime term of supervised release. If the
4 Court does not accept the plea or chooses to sentence Defendant to a greater or lesser
5 sentence than the United States and Defendant have agreed upon, Defendant and the
6 United States may each withdraw from the plea agreement, and this agreement is null
7 and void.

8 Defendant and the Spokane County Prosecutor's Office agree, upon
9 Defendant's plea of guilty to three counts of Child Molestation in the First Degree as
10 alleged in the Information (case number 20-1-02023-32), filed on June 12, 2020, to
11 recommend a sentence of 149 months incarceration, to be served concurrently with
12 federal sentences arising out of the Eastern District of Washington.

13 10. Supervised Release:

14 The United States and Defendant agree to recommend a lifetime term of
15 supervised release be imposed in the instant case.

16 11. Criminal Fine:

17 The United States and Defendant are free to make whatever recommendation
18 concerning the imposition of a criminal fine that they believe is appropriate.

19 12. Restitution:

20 The United States and Defendant hereby stipulate and agree pursuant to 18
21 U.S.C. §§ 2259, 3663, 3663A and 3664, the Court should order restitution to Minors
22 1, 2, and 3, for the full amount of the victims' losses. The United States and
23 Defendant hereby stipulate and agree that Minor 1, Minor 2, and Minor 3 suffered
24 harm from actual sexual abuse caused by the Defendant. The Defendant hereby
25 stipulates and agrees to pay Minor 2, and Minor 3 restitution for any harm
26 proximately caused by Defendant's offenses of conviction. The Defendant further
27

1 agrees and stipulates to pay restitution to Minor 1, the victim of Defendant's conduct
2 as charged the Spokane County Information.

3 The United States and Defendant hereby stipulate and agree that pursuant to 18
4 U.S.C. § 2259, the Court shall order restitution for the full amount of the victims'
5 losses. "Victims" may include legal guardians or others in the case of a minor victim
6 per 18 U.S.C. § 2259(c). The United States and Defendant also hereby stipulate and
7 agree that the Court shall order full restitution to any entity, organization, insurance
8 company, individual(s), and/or medical providers who provided medical services
9 and/or funds related to the treatment of the victims.

10 Defendant understands and agrees that the Court, in addition to any other
11 penalty, the Court may order Defendant to make restitution to any other victims of the
12 offenses, pursuant to 18 U.S.C. § 3663(a)(3), including restitution as to all counts
13 charged, whether or not Defendant enters a plea of guilty to such counts, and whether
14 or not such counts are dismissed pursuant to this agreement. Pursuant to 18 U.S.C. §
15 2259(b)(2), the Court shall order restitution for the full amount of the victims' losses
16 in an amount that reflects the Defendant's relative role in the causal process that
17 underlies the victim's losses, but which is no less than \$3,000 per victim. The parties
18 agree that restitution should first be made to Minors 1, 2, and 3. After such restitution
19 is complete, restitution will be paid to the remaining victims.

20 With respect to restitution, the United States and Defendant agree to the
21 following:

22 a. Restitution Amount and Interest

23 The United States and the Defendant hereby stipulate and agree that, pursuant
24 to 18 U.S.C. §§ 2259, 3663, 3663A and 3664, the Court should order restitution in an
25 amount to be determined at or before sentencing.. The United States and Defendant
26 agree that interest on this restitution amount, if any, should be waived.

1 b. Payments

2 To the extent that the Court orders restitution, the United States and Defendant
3 agree that the Court will set a restitution payment schedule based on his financial
4 circumstances. *See* 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant agrees to
5 pay not less than 10% of his net monthly income towards his restitution obligation.

6 c. Treasury Offset Program and Collection

7 Defendant understands the Treasury Offset Program (“TOP”) collects
8 delinquent debts owed to federal agencies. If applicable, the TOP may take part or all
9 of Defendant’s federal tax refund, federal retirement benefits, or other federal benefits
10 and apply these monies to Defendant’s restitution obligations. *See* 26 U.S.C. §
11 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

12 Defendant also understands the United States may, notwithstanding the Court-
13 imposed payment schedule, pursue other avenues to ensure the restitution obligation is
14 satisfied, including, but not limited to, garnishment of available funds, wages, or
15 assets. *See* 18 U.S.C. §§ 3572, 3613, 3664(m). Nothing in this acknowledgment shall
16 be construed to limit Defendant’s ability to assert any specifically identified
17 exemptions as provided by law, except as set forth in this Plea Agreement.

18 Until a fine or restitution order is paid in full, Defendant agrees fully to disclose
19 all assets in which he has any interest or over which he exercises control, directly or
20 indirectly, including those held by a spouse, parent, nominee, or third party.
21 Defendant agrees to truthfully complete the Financial Disclosure Statement that will
22 be provided by the earlier of 30 days from Defendant’s signature on this plea
23 agreement or the date of Defendant’s entry of a guilty plea, sign it under penalty of
24 perjury and provide it to both the United States Attorney’s Office and the United
25 States Probation Office. Defendant expressly authorizes the U.S. Attorney’s Office to
26 obtain a credit report on Defendant upon the signing of this Plea Agreement. Until
27

1 such time as the fine or restitution order is paid in full, Defendant agrees to provide
2 waivers, consents or releases requested by the U.S. Attorney's Office to access
3 records to verify the financial information. The parties agree that Defendant's failure
4 to timely and accurately complete and sign the Financial Disclosure Statement, and
5 any update thereto, may, in addition to any other penalty or remedy, constitute
6 Defendant's failure to accept responsibility under U.S.S.G § 3E1.1.

7 d. Notifications and Waivers

8 Defendant agrees to notify the Court and the United States of any material
9 change in his economic circumstances (e.g., inheritances, monetary gifts, changed
10 employment, or income increases) that might affect his ability to pay restitution. *See*
11 18 U.S.C. § 3664(k). This obligation ceases when the restitution is paid-in-full.

12 Defendant agrees to notify the United States of any address change within 30
13 days of that change. *See* 18 U.S.C. § 3612(b)(1)(F). This obligation ceases when the
14 restitution is paid-in-full.

15 Defendant acknowledges that the Court's decision regarding restitution is final
16 and non-appealable, except as otherwise provided for in this Agreement. Neither party
17 may withdraw from the Plea Agreement based on the ultimate amount of restitution
18 ordered.

19 13. Mandatory Special Penalty Assessment:

20 Defendant agrees to pay the \$200 mandatory special penalty assessment to the
21 Clerk of Court for the Eastern District of Washington, at or before sentencing,
22 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the United
23 States before sentencing as proof of this payment.

24 Pursuant to the Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §
25 3014, upon conviction, unless the Sentencing Court finds the Defendant to be
26 indigent, an additional mandatory special assessment of \$5,000 must also be imposed
27

1 per count.

2 Pursuant to the Amy, Vicky and Andy Child Pornography Victim Assistance
3 Act of 2018, 18 U.S.C. § 2259A, upon conviction, in addition to any other criminal
4 penalty, restitution, or special assessment authorized by law, the court shall assess
5 additional special penalty assessment of no more than \$50,000 per count.

6 14. Payments While Incarcerated:

7 If Defendant lacks the financial resources to pay the monetary obligations
8 imposed by the Court, Defendant agrees to earn the money to pay toward these
9 obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility
10 Program.

11 15. Judicial Forfeiture:

12 The Defendant, JAIDEN GYVAN PETERSEN, agrees to voluntarily forfeit
13 and relinquish all right, title and interest in all assets listed herein to the United States,
14 and hereby agrees to execute any and all forms and pleadings necessary to effectuate
15 such forfeiture of assets, including, but not limited to the following:

- 16 - Coolpad silver cell phone;
17 - SanDisk 64GB thumb drive; and

18 The Defendant stipulates that he is the sole owner of the assets identified in this
19 Plea Agreement and that no one else has an interest in the assets.

20 The Defendant stipulates and acknowledges that the assets listed above that the
21 Defendant is agreeing to forfeit are subject to forfeiture pursuant to 18 U.S.C. §
22 2253(a) and (b), as property used or intended to be used in any manner or part to
23 commit or to facilitate the commission of the offense Production of Child
24 Pornography, in violation of 18 U.S.C. § 2251(a), as charged in Counts One and Two,
25 of the Indictment to which Defendant is pleading guilty.

26 The Defendant agrees to take all steps as requested by the United States to pass
27

1 clear title to the assets to the United States, and to testify truthfully in any forfeiture
2 proceeding.

3 The Defendant agrees to hold all law enforcement agents/officers, and the
4 United States, its agents, and its employees harmless from any claims whatsoever
5 arising in connection with the seizure and forfeiture of any asset covered by this
6 agreement.

7 The Defendant waives further notice of any federal, state, or local proceedings
8 involving the forfeiture of the seized assets the Defendant is agreeing to forfeit in this
9 Plea Agreement.

10 The Defendant further agrees to waive all constitutional, equitable and statutory
11 challenges in any manner (including direct appeal, habeas corpus, or any other means)
12 to any forfeiture carried out in accordance with this Plea Agreement on any grounds,
13 including that the forfeiture constitutes an excessive fine or punishment. Defendant
14 waives any challenges or claims that the indictment lacked sufficient notice to the
15 Defendant that the Government sought forfeiture of the property listed above for the
16 counts to which Defendant pleads guilty. Defendant knowingly and voluntarily
17 waives his right to a jury trial on the forfeiture of the asset(s). Defendant waives oral
18 pronouncement of forfeiture at the time of sentencing, and any defects that may
19 pertain to the forfeiture.

20 16. Additional Violations of Law Can Void Plea Agreement:

21 Defendant and the United States agree that the United States may at its option
22 and upon written notice to Defendant, withdraw from this Plea Agreement or modify
23 its recommendation for sentence if, prior to the imposition of sentence, Defendant is
24 charged or convicted of any criminal offense whatsoever or if Defendant tests positive
25 for any controlled substance.

17. Waiver of Appeal Rights

Defendant understands that Defendant has a limited right to appeal or challenge Defendant's conviction and the sentence imposed by the Court.

Defendant expressly waives all of Defendant's rights to appeal Defendant's conviction and the sentence the Court imposes.

Defendant expressly waives Defendant's right to appeal any fine, term of supervised release, or restitution order of \$25,000 or less imposed by the Court. Defendant retains to the right to appeal a restitution order which exceeds a total of \$25,000.

Defendant expressly waives the right to file any post-conviction motion attacking Defendant's conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from information not now known by Defendant and which, in the exercise of due diligence, Defendant could not know by the time the Court imposes sentence.

Nothing in this Plea Agreement shall preclude the United States from opposing any post-conviction motion for a reduction of sentence or other attack upon the conviction or sentence, including, but not limited to, writ of habeas corpus proceedings brought pursuant to 28 U.S.C. § 2255.

Defendant expressly waives Defendant's right to bring any motion for Compassionate Release other than a motion arising from the bases set forth in Section 1B1.13 of the Sentencing Guidelines.

18. Withdrawal or Vacatur of Defendant's Plea

Should Defendant successfully move to withdraw from this Plea Agreement or should Defendant's conviction be set aside, vacated, reversed, or dismissed under any circumstance, then:

- a. this Plea Agreement shall become null and void;

- b. the United States may prosecute Defendant on all available charges;
- c. The United States may reinstate any counts that have been dismissed, have been superseded by the filing of another charging instrument, or were not charged because of this Plea Agreement; and
- d. the United States may file any new charges that would otherwise be barred by this Plea Agreement.

The decision to pursue any or all of these options is solely in the discretion of the United States Attorney's Office.

Defendant agrees to waive any objections, motions, and defenses Defendant might have to the United States' decision about how to proceed, including a claim that the United States has violated Double Jeopardy.

Defendant agrees not to raise any objections based on the passage of time, including but not limited to, alleged violations of any statutes of limitation or any objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

19. Notice of Sex Offender Registration:

Defendant has been advised and understands, that as a convicted sex offender, under the Sex Offender Registration and Notification Act, a federal law, Defendant must register and keep the registration current in each of the following jurisdictions: the location of Defendant's residence, the location of Defendant's employment; and, if Defendant is a student, the location of Defendant's school. Registration will require that Defendant provide information that includes name, residence address, and the names and addresses of any places at which Defendant is or will be an employee or a student. Defendant understands that he must update his registrations not later than

three business days after any change of name, residence, employment, or student status. Defendant understands that failure to comply with these obligations subjects Defendant to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

20. Integration Clause:

The United States and Defendant acknowledge that this document constitutes the entire Plea Agreement between the United States and Defendant, and no other promises, agreements, or conditions exist between the United States and Defendant concerning the resolution of the case. This Plea Agreement is binding only upon the United States Attorney's Office for the Eastern District of Washington, and cannot bind other federal, state, or local authorities. The United States and Defendant agree that this agreement cannot be modified except in a writing that is signed by the United States and Defendant.

Approvals and signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

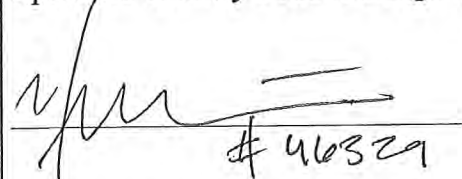
Vanessa R. Waldref
United States Attorney


Alison L. Gregoire
Assistant U.S. Attorney

12/8/22
Date

Agreed and submitted on behalf of the Spokane County Prosecutors Office.

Larry Haskell
Spokane County Prosecuting Attorney



46329

12/5/22

Eugene Cruz and Hannah Stearns
Spokane County Deputy Prosecutors

Date

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.


JAIDEN GYVAN PETERSEN
Defendant

12/8/22
Date

I have read this Plea Agreement and have discussed the contents of the agreement with my client. The Plea Agreement accurately and completely sets forth the entirety of the agreement between the parties. I concur in my client's decision to plead guilty as set forth in the Plea Agreement. There is no legal reason why the Court should not accept Defendant's plea of guilty.


Amy H. Rubin
Attorney for Defendant

12/8/22
Date